

**STATE OF MAINE
YORK, ss**

**SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-21-**

RINDA TUCKER,

)

) **PLAINTIFF'S COMPLAINT**

) **FOR GENDER AND AGE**

) **DISCRIMINATION**

Plaintiff,

)

)

)

)

v.

)

)

LANTMANNAN UNIBAKE USA, INC

)

)

Defendant.

)

NOW COMES Plaintiff, Rinda Tucker, ("Tucker") or ("Plaintiff") by and through her attorney of record, the Law Office of Guy D. Loranger, to complain against Defendant as follows:

PARTIES AND JURISDICTION

1. Plaintiff always mentioned herein resided in the town of Kittery, State of Maine.
2. Defendant operates a food distribution business which services business throughout the State of Maine.
3. Plaintiff requests a jury trial.

ALLEGATIONS

4. In 2017, Mike Minden ("Minden"), Defendant's Zone Manager at the time, recruited Complainant.
5. In return for her hire, Minden requested Tucker remain employed with Defendant for a minimum of five years.

6. Tucker agreed, and, in exchange, she became Defendant's regional manager, covering New England, including Maine, and upper New York state.
7. At the time, Tucker had a similar job with Smithfield Foods which she left for employment with Defendant for a minimum of five years.
8. In December of 2018, Minden left employment with Defendant.
9. Director of Sales, Ralph Hoffman ("Hoffman"), asked for a recommendation to replace Minden.
10. One manager recommended Tucker due to her extensive sales, marketing, and broker experience.
11. In response, Scott Kolinski, Defendant's Managing Director, replied that Defendant would never place a women in the position, and Defendant had no women in senior positions.
12. In January of 2019, Defendant hired Greg Lutes ("Lutes") to assume Minden's position.
13. Almost immediately, Lutes began to target Tucker.
14. Lutes continually, and without merit, constantly criticized Tucker's job performance.
15. Lutes would verbally abuse Tucker and yell at her.
16. Lutes harassed Complainant almost every time they spoke.
17. For example, in mid-December 2019, Lutes screamed on the phone to Tucker for not attending a cutting (sampling) at Mohegan Sun Casino. In response, Tucker tried to explain that she could not attend as it was being done in private by the Casino, and salespeople were not allowed. Lutes, however, continued to scream at Tucker, before hanging up the phone.
18. On or about November 19, 2019, Lutes verbally abused Tucker in person after an event at Performance Foods in Springfield, Massachusetts. Lutes accused Tucker of doing a terrible job and further demeaning her by stating, "you really think you are good at sales".
19. Despite the accusation, Performance Foods bought most of the product from the event.
20. Tucker continually met her annual target numbers.
21. Lutes also made ageist comments to Tucker.
22. For example, Lutes told Tucker, "I guess I have to go to more appointments with you as I am much smoother at sales, but I guess you get rusty as you get older".

23. On another occasion, Lutes said, “do I have to do your work for you, I guess you are slowing down.”
24. Hoffman also made ageist comments to Tucker.
25. For example, Hoffman told Tucker that now that her kids were grown, and she was getting older, “maybe the job was too much for you.”
26. On numerous occasions, Hoffman also claimed that “he needed to clean house and get some young blood in.”
27. In September of 2019, Defendant began to act on its intent to “clean house” by terminating Mangano.
28. Shortly thereafter, on December 23, 2019, Defendant continued the house cleaning by terminating Tucker.
29. Defendant claimed it terminated Tucker for not meeting her numbers.
30. Defendant, however, retained a Texas regional manager, Drew Wilson, who was 40 years old and had worse numbers than Tucker.
31. The articulated reason for the termination is a pretext.
32. Defendant terminated Tucker due to her age and/or her gender in violation of the Maine Human Right Act.
33. Tucker has complied with all administrative requirements.

COUNT I: GENDER DISCRIMINATION IN VIOLATION OF THE MAINE HUMAN RIGHTS ACT

34. The MHRA makes it illegal for an employer to discriminate against an employee due to an employee’s gender.
35. Defendant treated Plaintiff with hostility and terminated her, in full or part, due to her gender.
36. Defendant’s actions are a violation of the MHRA.
37. Defendant acted in reckless disregard for the Tucker’s rights contained in the MHRA.

COUNT II: AGE DISCRIMINATION IN VIOLATION OF THE MAINE HUMAN RIGHTS ACT

- 38. The MHRA makes it illegal for an employer to discriminate against an employee due to an employee's age.
- 39. Defendant terminated Tucker, in full or part, due to her age.
- 40. Defendant's actions are a violation of the MHRA.
- 41. Defendant acted in reckless disregard for the Tucker's rights contained in the MHRA.

COUNT III: NEGLIGENCE MISREPRESENTATION

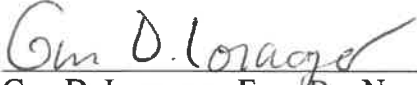
- 42. Plaintiff incorporates the preceding paragraphs as though set forth in this cause of action.
- 43. At the time of her interview, Defendant represented to Tucker that she would be employer for five years if she accepted the job.
- 44. Based on Defendant's representation of the subject material fact, Tucker reasonably relied on Defendant's representation and accepted the offer of employment.
- 45. Defendant's representation turned out to be false.
- 46. Defendant's misrepresentation caused Tucker to suffer the damages set forth below.

COUNT IV. BREACH OF ORAL CONTRACT.

- 47. Plaintiff incorporates the preceding paragraphs as though set forth in this cause of action.
- 48. At the time of her interview, Defendant represented to Tucker that she would be employer for five years if she accepted the job.
- 49. Based on Defendant's representation of the subject material fact, Tucker reasonably relied on Defendant's representation and accepted the offer of employment.
- 50. Defendant's breached the agreement by terminating Tucker before the expiration of five years.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court (1) enter judgment of favor of the Plaintiff and (2) award damages sufficiently large to compensate for damages she has suffered as a result of Defendants conduct including, but not limited to, damages for general and non-economic damages, economic damages, prejudgment and post judgment interest, lost wages, punitive damages, injunctive relief, costs of this suit, including reasonable attorney fees and costs, and such further relief the Court may deem proper.

Dated: January 15, 2021


Guy D. Loranger, Esq., Bar No. 9294
Attorney for Plaintiff

LAW OFFICE OF GUY D. LORANGER
1 Granny Smith Court, Suite 3
Old Orchard Beach, Maine 04064
(207) 937-3257

STATE OF MAINE

SUPERIOR COURT

York, ss.

Docket No. _____

DISTRICT COURT

Location _____

Docket No. _____

Rinda Tucker Plaintiff

v.
Lantmannan Unibake USA INC- Defendant
2525 Cabot Ave Sk 300 Address
Lisle IL 60532

SUMMONS
 M.R.Civ.P. 4(d)

The Plaintiff has begun a lawsuit against you in the (~~District~~) (Superior) Court, which holds sessions at (street address) 45 Kennebunk Rd, in the (~~Town~~) City of Alfred, County of York, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer by delivering a copy of it in person, by mail, or by email to the Plaintiff's attorney, whose name and address, including email address appear below, or by delivering a copy of it in person or by mail to the Plaintiff, if the Plaintiff's name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to: Clerk of (~~District~~) (Superior) Court, P.O. Box 160, Alfred, Maine 04002.
 (Mailing Address) (Town/City) (Zip)

before, or within a reasonable time after, it is served. Court rules governing the preparation and service of Answers are found at www.courts.maine.gov.

IMPORTANT WARNING: If you fail to serve an answer within the time stated above, or if, after you answer, you fail to appear at any time the Court notifies you to do so, a judgment by default may be entered against you in your absence for the money damages or other relief demanded in the Complaint. If this occurs, your employer may be ordered to pay part of your wages to the Plaintiff or your personal property, including bank accounts and your real estate may be taken to satisfy the judgment. If you intend to oppose this lawsuit, do not fail to answer within the requested time.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: March 4, 2021Guy D. Loranger

(Attorney for) Plaintiff

1 Granny Smith Ct Sk 3

Address

Old Orchard Bch ME 04064(207) 937-3257

Telephone

guy@lorangerlaw.com

Email Address

(Seal of Court)

Julie Clifford
 Clerk

STATE OF MAINE

County of _____, ss.

On _____ (date), I served the Complaint (and Summons, and Notice Regarding Electronic Service) upon Defendant _____ by delivering a copy of same at the following address: _____

- ☐ to the above-named Defendant in hand.
- ☐ to _____ (name), a person of suitable age and discretion who was then residing at Defendant's usual residence.
- ☐ to _____ (name), who is authorized to receive service for Defendant.
- ☐ by (describe other manner of service):

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

Total \$ _____

Signature

Agency

CONTAINS NONPUBLIC DIGITAL INFORMATION

MAINE JUDICIAL BRANCH

Rinda Tucker Plaintiff

"X" the court for filing:

☒ Superior Court ☐ District Court
☐ Unified Criminal Docket
V.
Lantnamman Unibake USA Inc Defendant

County: York

Location (Town):

Docket No.:

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT
OR POST-JUDGMENT MOTION

M.R. Civ. P. 4(c)(1)

NOTICE

Please sign the acknowledgment below and return this form in the enclosed self-addressed stamped envelope so it will be received by the sender within 20 days from the day it was mailed to you. If you do not do this, you may be required by the Court to pay for the cost of serving the Summons and Complaint or Post-Judgment Motion on you.

(Keep one copy of this form and the copy of the Complaint or Motion for your records.)

STATEMENT

By signing, dating and returning this form, I state that I received a copy of the Summons and Complaint or a copy of the Post-Judgment Motion and that:

AS TO ALL CIVIL COURT CASES, INCLUDING DIVORCE, JUDICIAL SEPARATION AND PARENTAL RIGHTS & RESPONSIBILITIES, I understand that if I do not file an answer to the Complaint or an objection to the Motion within the time limits established by statute or court rule and appear at all court conferences and hearings, then a judgment may be entered against me in my absence, and Plaintiff or the moving party may request that other orders be entered against me.

AS TO DIVORCE, JUDICIAL SEPARATION, AND PARENTAL RIGHTS & RESPONSIBILITIES CASES, I understand that if I do not want to file an Answer to the Complaint, but I do want to be heard on issues of parental rights and responsibilities regarding my children, alimony, support, counsel fees and division of marital and non-marital property, I must file an Entry of Appearance form and appear at all court conferences and hearings. I may file an Answer and Counterclaim (Forms FM/186/FM-187) to a divorce or parental rights and responsibilities' complaint. If I intend to file an Answer and Counterclaim, I understand it must be filed within 20 days of being served with the complaint. You can get an Answer and Counterclaim at any District Court or at www.courts.maine.gov.

Date (mm/dd/yyyy): 03/10/2021

/s/ David Strock

Signature

Address: Littler Mendelson, P.C.
One Monument Square, Suite 600
Portland, ME 04101

Phone: (207) 774-6001

IMPORTANT WARNING: You are responsible for notifying the court clerk of any changes to your address and telephone number. If you do not inform the clerk of any changes to either your address or telephone number, it may not be possible for you to get notices of court conferences and hearings.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

This summary sheet and the information it contains do not replace or supplement the filing and service of pleadings or other papers as required by the Maine Rules or by law. This form is required for the Clerk of Court to initiate or update the civil docket. The information on this summary sheet is subject to the requirements of M. R. Civ. P. 11.

I. COUNTY OF FILING OR DISTRICT COURT JURISDICTION ("X" the appropriate box and enter the County or location)

☒ Superior Court County: York

☐ District Court Location (city/town): _____

II. NATURE OF THE FILING

☒ Initial Complaint

☐ Third-Party Complaint

☐ Cross-Claim or Counterclaim

☐ Reinstated or Reopened case: Docket Number: _____

If filing a second or subsequent Money Judgment Disclosure, give the docket number of the first disclosure.)

III. ☐ REAL ESTATE OR TITLE TO REAL ESTATE IS INVOLVED

IV. MOST DEFINITIVE NATURE OF ACTION

("X" in ONE box. If the case fits more than one nature of action, select the one that best describes the cause of action.)

GENERAL CIVIL

Personal Injury Torts

☐ Property Negligence

☐ Auto Negligence

☐ Medical Malpractice

☐ Product Liability

☐ Assault/Battery

☐ Domestic Tort

☐ Other Negligence

☐ Other Personal Injury Tort

Non-Personal Injury Torts

☐ Libel/Defamation

☐ Auto Negligence

☐ Other Negligence

☐ Other Non-Personal Injury Tort

Contract

☐ Contract

Declaratory/Equitable Relief

☐ General Injunctive Relief

☐ Declaratory Judgment

☐ Other Equitable Relief

Constitutional/Civil Rights

☒ Constitutional/Civil Rights

Statutory Actions

☐ Unfair Trade Practice

☐ Freedom of Access

☐ Other Statutory Action

Miscellaneous Civil

☐ Drug Forfeiture

☐ Other Forfeiture/Property Libel

☐ Land Use Enforcement (80K)

☐ Administrative Warrant

☐ HIV Testing

☐ Arbitration Awards

☐ Appointment of Receiver

☐ Shareholders' Derivative Action

☐ Foreign Deposition

☐ Pre-Action Discovery

☐ Common Law Habeas Corpus

☐ Prisoners Transfers

☐ Foreign Judgments

☐ Minor Settlements

☐ Other Civil

REAL ESTATE

Title Actions

☐ Quiet Title

☐ Eminent Domain

☐ Easement

☐ Boundary

Foreclosures

☐ Foreclosure (Diversion eligible)

☐ Foreclosure (ADR exempt)

☐ Foreclosure (Other)

Miscellaneous Real Estate

☐ Equitable Remedy

☐ Mechanics Lien

☐ Partition

☐ Adverse Possession

☐ Nuisance

☐ Abandoned Road

☐ Trespass

☐ Other Real Estate

SPECIAL ACTIONS

☐ Money Judgment Disclosure

APPEALS (ADR EXEMPT)

☐ Governmental Body (80B)

☐ Administrative Agency (80C)

☐ Other Appeal

CHILD PROTECTIVE CUSTODY

☐ Non-DHHS Protective Custody

Initial Complaint: A complaint filed as an original proceeding. A filing fee is required.

Third-Party Complaint: An original defendant's action against a third party that was not part of the original proceeding. A filing fee is required.

Cross-Claim: An original defendant's claim against another original defendant. No additional fee is required.

Counterclaim: An original defendant's claim against an opposing party. No additional fee is required.

Reinstated or Reopened Case: Money Judgment Disclosures or post-judgment motions.

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MAINE JUDICIAL BRANCH

V. M.R. Civ. P. 16B ALTERNATIVE DISPUTE RESOLUTION (ADR)

☐ I certify that pursuant to M.R. Civ. P. 16B(b), this case is exempt from a required ADR process because

("X" one box below):

☐ It falls within an exemption listed above (it is an appeal or an action for non-payment of a note in a secured transaction).

☐ The plaintiff or defendant is incarcerated in a local, state, or federal facility.

☐ The parties have participated in a statutory pre-litigation screening panel process with (name of panel chair)

that concluded on (date of panel finding - mm/dd/yyyy) _____.

☐ The parties have participated in a formal ADR process with (name of neutral) _____ on (date - mm/dd/yyyy) _____.

☐ The plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption.

☐ The action does not include ADR pursuant to M.R. Civ. P. 16(a)(1).

☐ There is other good cause for an exemption and the plaintiff has filed a motion for exemption.

VI. PARTY AND ATTORNEY CONTACT INFORMATION

If you need additional space, list additional parties on an attachment and note "see attachment" in the appropriate section.

Please note: If a party is a government agency, use the full agency name or the standard abbreviation. If the party is an official within a government agency, identify the agency first and then the official, giving both name and title.

(a) PLAINTIFF(S)

("X" the box below to indicate the party type associated with the filing)

☒ Plaintiff(s)

☐ Third-Party Plaintiff(s)

☐ Counterclaim Plaintiff(s)

☐ Cross-Claim Plaintiff(s)

Is the plaintiff a prisoner in a local, state, or federal facility? ☐ Yes ☒ No

Name (first, middle initial, last): Rinda Tucker

Mailing address (include county): 15 Sparhawk Lane

Kittery Point ME 03905 York County

Telephone: (978) 808-7969

Email: jtucker@VAMCORP.com

Name (first, middle initial, last):

Mailing address (include county):

Telephone:

Email:

(b) ATTORNEY(S) FOR PLAINTIFF(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL plaintiffs, specify which plaintiff(s) the listed attorney(s) represents.

Name and bar number: Guy D. Loranger, Esq. Bar no: 9294

Firm name: Law Office of Guy D. Loranger

Mailing Address: 1 Granny Smith Court Suite 3

Old Orchard Beach ME 04064

Telephone: (207) 937-3257

Email: guy@lorangerlaw.com

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MAINE JUDICIAL BRANCH

Name and bar number: _____
Firm name: _____
Mailing Address: _____

Telephone: _____
Email: _____

(c) DEFENDANT(S)

("X" the box below to indicate the party type associated with the filing)

- ☒ Defendant(s)
☐ Third-Party Defendant(s)
☐ Counterclaim Defendant(s)
☐ Cross-Claim Defendant(s)

Is the defendant a prisoner in a local, state, or federal facility? ☐ Yes ☒ No

Name (first, middle initial, last): Lantmannan unbake USA, Inc.
Mailing address (include county): 2525 Cabot Drive Suite 300
Lisle IL 60532 DuPage County
Telephone: (630)963-4781
Email: unknown

Name (first, middle initial, last): _____
Mailing address (include county): _____

Telephone: _____
Email: _____

(d) ATTORNEY(S) FOR DEFENDANT(S)

If there are multiple attorneys, indicate the lead attorney. *If all counsel do not represent ALL defendants, specify which defendant(s) the listed attorney(s) represents.*

Name and bar number: unknown
Firm name: _____
Mailing Address: _____

Telephone: _____
Email: _____

Name and bar number: _____
Firm name: _____
Mailing Address: _____

Telephone: _____
Email: _____

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MAINE JUDICIAL BRANCH

(e) PARTIES IN INTEREST

Name (first, middle initial, last): _____
Mailing address (include county): _____

Telephone: _____
Email: _____

Name (first, middle initial, last): _____
Mailing address (include county): _____

Telephone: _____
Email: _____

(f) ATTORNEY(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL parties in interest, specify which parties in interest the listed attorney(s) represents.

Name and bar number: _____
Firm name: _____
Mailing Address: _____

Telephone: _____
Email: _____

Name and bar number: _____
Firm name: _____
Mailing Address: _____

Telephone: _____
Email: _____

VII. RELATED CASE(S) IF ANY

Case name: _____
Docket Number: _____
Assigned Judge/Justice: _____

Date (mm/dd/yyyy): 01/15/2021

► Guy D. Loranger
Signature of Plaintiff or Lead Attorney of Record

Guy D. Loranger, Esq.
Printed Name of Plaintiff or Attorney

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